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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,471	07/07/2003	Cedric Gegout	S828.312-0016	7608
164 7590 12/23/2008 KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002				
EXAMINER DUNN, MISHAWN N				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 12/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/614,471

Applicant(s)

GEGOUT ET AL.

Examiner

MISHAWN DUNN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) 1,3 and 7-16 is/are rejected.
7) ☒ Claim(s) 2 and 4-6 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 7/03/6/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is not limited to a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 16 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16 defines a signal with descriptive material, which is neither a process nor a product (i.e. tangible) and therefore is non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, and 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al. (US Pub. No. 2006/0093315).
6. Consider claim 1. Kelly et al. teaches a method to reproduce, on at least one client terminal, at least one data flow comprising a plurality of encoded entities, each associated with at least one composition time stamp, said method comprising steps consisting of: decoding said flow(s), so as to obtain at least one decoded flow comprising a plurality of decoded entities; composing said decoded entities, at the times defined by said composition time stamps, characterised in that, for at least one of said encoded entities, said decoding step is anticipated with respect to said composition time stamp, if a composition context associated with said encoded entity verifies at least one predetermined criterion (para. 0067).
7. Consider claim 3. Kelly et al. teaches a reproduction method according to claim 1, characterised in that said entities decoded by anticipation are stored in memory by said client terminal until said composition step (para. 0067).

8. Consider claim 7. Kelly et al. teaches a reproduction method according to claim 1, characterised in that a decoding order data item is also associated with at least some of said encoded entities (para. 0069).
9. Consider claim 8. Kelly et al. teaches a reproduction method according to claim 7, characterised in that said decoding order data item is a decoding time stamp (para. 0067).
10. Consider claim 9. Kelly et al. teaches a reproduction method according to claim 1, characterised in that said data flow belongs to the group comprising: video flows; description flows of a graphic scene with at least two dimensions audio flows; description flows of an object with at least two dimensions; animation flows of at least one object; metadata description flows (abstract).
11. Consider claim 10. Kelly et al. teaches a reproduction method according to claim 1, characterised in that the format of said encoded entities belongs to the group comprising: MPEG media formats; MPEG-7 data description formats; BIFS scene description formats; H26L formats (abstract).
12. Consider claim 12. Kelly et al. teaches a reproduction device according to claim 11, characterised in that it also comprises: a decoding buffer memory, wherein said encoded entities are stored in increasing order of decoding; a composition buffer memory, wherein said decoded entities are stored in memory(para. 0068, fig. 1).
13. Consider claim 13. Kelly et al. teaches a device according to claim 12, characterised in that said decoded entities are stored in memory in said composition buffer memory in increasing composition time stamp order (para. 0068).

14. Consider claim 14. Kelly et al. teaches a device according to claim 12, characterised in that said decoded entities are stored in memory in said composition buffer memory in increasing order of decoding (para. 0067).
15. Claims 11, 15, and 16 are rejected using similar reasoning as the corresponding claims above.

Allowable Subject Matter

16. Claims 2 and 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
December 12, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621